

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 98-649

December 18, 2001

NET2000 Communications Services, Inc.
Petition for Finding of Public Convenience
and Necessity to Provide Service as a
Local Exchange Telephone Utility

ORDER DISMISSING
APPLICATION

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

In this Order we dismiss without prejudice the Application filed by NET2000 Communications Services, Inc. (NET2000)¹ for authority to provide resold and facilities-based local exchange service and dedicated services in the State of Maine.

II. DISCUSSION

On August 17, 1998, Net2000 Group, Inc. filed an application pursuant to 35-A M.R.S.A. § 2102 to provide local exchange service in Maine. The application did not include proposed rate schedules and terms and conditions (tariff). On May 31, 2000, NET2000 filed a proposed tariff that was deficient in a number of ways. Commission Staff has communicated with the attorney for NET2000 on at least two occasions about those deficiencies. On August 23, 2000, NET2000 filed an Amended Petition. In the cover letter for that Amended Petition, NET2000 stated that it was not filing a new tariff because it had filed one with its original application. NET2000 therefore has not remedied the deficiencies in its tariff as of this date. We find that this application has been pending for too lengthy a period, that its tariff is not acceptable, and we therefore dismiss the application without prejudice. We note that since the application was filed we have made a number of important changes to our application package (that is available at our website and from the Administrative Director). Any new application that NET2000 may file should take these changes into account.

Accordingly, we

O R D E R

That the application for authority to provide telephone service in Maine filed by NET200 Communications Services, Inc. on August 17, 1998 is hereby found to be insufficient and is dismissed without prejudice.

¹Net2000 Communications Services, Inc. was known as NET2000 Group, Inc. at the time it filed its application.

Dated at Augusta, Maine, this 18th day of December, 2001.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.